

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
July 28, 2009**

Place: Room 206  
Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Conze, Bigelow, Spain, Grimes

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat

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**PUBLIC HEARING**

Chairman Conze read the following agenda item, and noted that it had been withdrawn:

**Business Site Plan Application #269, Land Filling & Regrading Application #225, Post Road Eleven, LLC, 1292 Boston Post Road.** Proposing to raze the existing building, and construct a new two-story building with associated landscaping, shared parking, regrading and construction of a new retaining wall about 5'6" from the rear property boundary, and perform related site development activities (plans dated 6/09). The subject property is on the southeast side of Boston Post Road at the corner formed by its intersection with the northbound on ramp at interchange 11 of I-95, and is shown on Assessor's Map #63 as Lot #1 and is located in the SB Zone. *WITHDRAWN.*

Chairman Conze read the following agenda item, and noted that due to time constraints, testimony will be accepted tonight, and the public hearing continued to September 15th:

**Proposed Amendments to the Darien Zoning Regulations put forth by Thomas E. Golden Realty Company.** Proposing to establish a new zoning district, the Noroton Heights Mixed Use Zone (NHMU). This zone would provide for flexibility in height, setbacks and parking. Associated zoning regulation amendments are proposed for Section 905 (Joint Parking) and Section 907 (Parking Structures) of the Regulations.

Attorney Bruce Hill represented the applicant and explained that he understands that the hearing is likely to be continued until September, but he would like an opportunity to explain the proposal for about thirty minutes and then hear from the public regarding their comments. He said that in general, the Golden property is located in Noroton Heights and generally bounded on the north by West Avenue, on the east by Noroton Avenue, on the south by Heights Road and on the west by Edgerton Street. Most of the property is in the Design Commercial Zone, but some of the property adjacent to Noroton Avenue is in the Service Business Zone. Much of the land in that block is owned by Thomas E. Golden Realty Company or Mr. Golden directly. Other properties are owned by other individuals. He said that in 2008, the applicant came to the Planning & Zoning Commission for an informal meeting to discuss the redevelopment of the Stop & Shop site. One of the issues was - should the redevelopment be considered by itself or since it is part of a larger commercial district, should the redevelopment of the entire area be considered. He said that the Commission indicated that the goal is to maintain a strong retail base and to allow a mix of other uses in that Design Commercial Zone. Other concerns included

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providing some form of housing, including affordable housing and addressing the drainage and flooding issues that plague the area.

Mr. Hill said that the Design Commercial (DC) Zone is a creature of the “1950s thinking” and needs to be updated and replaced rather than just slightly modified. He said that a conceptual site plan of the redevelopment of the Stop & Shop parcel and adjacent properties was presented to the Planning & Zoning Commission in April of 2009 in order to get ideas and feedback. He said that those conceptual site plans and drawings are not part of the pending application. He said the pending application is only to create a new zoning district. The new zoning district is not even specific to an individual property or a specific site development plan. He said the first step would be to create the language in the Zoning Regulations for the zoning district. The second step would be to define the boundaries of that new zoning district. The third step would be to have specific development applications for site plan and/or special permit. He said that the final zone boundary lines have not been proposed by the applicant and would eventually have to be determined by the Planning & Zoning Commission. He said that it is easiest to use the two existing blocks that primarily compose the DC zone and use the West Avenue, Hollow Tree Ridge Road, Heights Road and Noroton Avenue as the boundaries. Mr. Hill said that it is not intended to re-zone the residential uses located in the northwest corner of these blocks. He said that this pending application is not a definition of the boundary lines of the new zone. He said that when the Commission discusses the boundaries, it will have to consider many factors, but before they get to that question, they should consider the language of the proposed Regulations. He said that the pending application only concerns the issue of whether to create a new zone and then to decide upon the language of the proposed Regulations for that new zone.

Attorney Hill said the proposed Regulations are designed to protect existing residential neighborhoods, and, thus the proposed Regulations require any residential uses to be adjacent to existing residential uses and existing residential uses across the street. The new Regulations would have retail uses and restaurants and offices as permitted uses on other portions of the site (not adjacent to existing residential neighbors). He said that the new residential development would be a townhouse style development, not single family houses. He noted that the commercial area has easy access from I-95 and the Metro North railroad tracks and bus line service which is provided on West Avenue. He said that the existing Regulations are now automobile and driver-oriented with all of the on-site parking being required at grade. Proposed changes to the Regulations would allow greater building coverage and greater building height and an increase in density and multi-family residential structures. Retail uses would be allowed on the first floor and offices would be allowed on the first floor and upper floors. Building height is currently limited to two floors. The proposed Regulations would take advantage of the existing change in grade and the fact that West Avenue and Noroton Avenue are higher than other portions of the site. This would allow for a third floor to be constructed within the building even though it would only appear as a two story structure from West Avenue. The lower floor would be at street level compared to Heights Road. When viewed from the commercial area of Heights Road, the building might look to be three stories in height. The building coverage would be modified to allow additional building coverage and to allow below grade parking and/or structural parking. The proposed Regulations would also give the Commission the discretion to waive up to 50% of the required parking when a shared parking situation is created. This type of arrangement would need Special Permit approval from the Commission and would not be automatically granted.

Attorney Hill said that Section 907 of the Regulations currently allows parking structures only in lieu of surface or ground level parking (that would remain in a natural state if the parking structure is built).

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The proposed Regulations would allow structural parking provided it is attractive and screened and could be allowed by Special Permit if the Commission finds that it will not adversely impact the neighboring sites. He said that the Commission needs to think of the long term development and use of the area. He said this is a 15 to 20 year thinking range rather than just thinking in the short term.

Mr. Bigelow asked if this type of development would be done on a case-by-case basis or in a broad brush approach. Attorney Hill responded that his client would like to get support from other property owners in the DC Zone so that everyone would understand the proposal and at least have the same opportunities to consider this zone being applied to their property when the zone map change proposal is put forth. He said that the Regulations were specifically designed with the Golden property in mind and with the understanding that at least that property would require a specific site plan and Special Permit approval from the Commission.

Mr. Spain asked about the potential impacts of the proposed zone change on the other property owners in the area. Those impacts might involve property values, traffic, noise and competitive disadvantage. Attorney Hill said that they have had and will continue to have discussions with other property owners regarding the proposed amendments to the Regulations.

Mr. Conze said that the Commission is not predisposed to the outcome of this matter. He noted that in 1995, the Commission's Plan of Development did emphasize the redevelopment and revitalization of the downtown area and much of that work has been accomplished and there is still more redevelopment to take place in the downtown area. He said he wants to avoid a hodgepodge approach to the Noroton Heights area that has long been neglected. He said he wants the property owners and Town to address the drainage issues and to eliminate safety problems such as parking spaces on Heights Road that back into the street.

Maureen Meehan of 3 Oak Park Avenue said that the application is equivalent to spot zoning which is illegal. She said it continued the pattern whereby the developer proposes what they want and eventually gets it approved. She feared that the proposed amendments would significantly increase density which will be too much for the area to accommodate. Mrs. Meehan said that the proposed Regulations would increase building coverage which is not good and increase building height which will also have negative impacts on the neighborhood. She said that the drainage problems in the area are well known, yet the proposed Regulations do nothing to address those issues. She said that the proposed Regulations would allow for the over development of the area and the buildings would change from one and two stories in height to three and four stories. She said that this is not what the people who live in the area want. She said the people who live in the area need the traffic problems and drainage problems and sewer problems corrected, not compounded.

Tom McDonald asked about the process involved in the Regulations being amended and the redevelopment of the property. Mr. Bigelow explained that the first phase would be the discussion about possibly changing the Zoning Regulations. The second phase would be describing or defining the boundary lines of the rezoning district if the Commission amends the Regulations. The third phase would be the actual site specific plan and Special Permit applications for actual buildings and site redevelopment. Mr. Spain said that if the Regulations are amended by the Commission, then any proposed development must comply with those Regulations.

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No one else from the public wanted to speak at this time. The Commission discussed the continuation of the public hearing to September 15, 2009. Attorney Hill said that he would be glad to talk with the neighbors and their representatives in the meantime. The Commission then agreed to continue the public hearing at 8:00 p.m. in the Auditorium on September 15, 2009.

At about 9:00 p.m., Chairman Conze read the following agenda item:

**Subdivision Application #273-C, Coastal Site Plan Review #38-A, Joseph & Varina Steuert, 27 Driftway Lane/25 Old Farm Road.** Proposing to subdivide the existing property into two lots with associated open space, and perform related site development activities within a regulated area. The subject property is located on the north side of Old Farm Road approximately 75 feet north of its intersection with Tokeneke Trail, and is shown on Assessor's Map #65 as Lot #32, in the R-1 Zone.

Joseph Steuert explained that he purchased the property in 1984 and has lived on the 5.2 acre site for 25 years. They are now proposing to split off a one acre building site that will have a 0.2 acre strip of land to Driftway Lane to provide driveway access for that new lot. He said that a 1950's subdivision created the strip of land to Driftway Lane. Mr. Steuert said that he spoke with the neighbors about the possibility of them purchasing the one acre property before an application was even submitted. They were unable to come to terms, and thus the application to split off the separate one acre lot has been submitted to the Commission. The driveway from Driftway Lane into the site contains a deed restriction. It is limited to just one lot and therefore cannot be allowed to accommodate more than one proposed lot or parcel. The existing driveway is dirt and gravel and it is occasionally, but routinely utilized.

Richard Bennett, Professional Engineer, represented the applicant and explained that re-subdivision and Coastal Site Plan applications had previously been approved by the Commission in 1985. The approval has lapsed and thus the application is submitted to re-approve the project. He said that the proposed division of land would actually create three parcels, a new one acre building lot with an additional 0.2 acre access strip to Driftway Lane; a 3.36 acre parcel around the existing house and tennis court and pool; and an open space parcel along Old Farm Road. Mr. Bennett said that he has shown a conceptual site plan for potential development of a large house on the new one acre site. He said he deliberately designed the development to be as large as possible so that he could design the storm drainage and grading to accommodate that much development. He said that the septic system design has been approved by the Health Department for the new lot and preserving the existing septic system on the existing lot.

Mr. Bennett said that the driveway to the existing house is from Old Farm Road and will remain unchanged. The driveway to the new lot will be from Driftway Lane and will be paved or will remain gravel, but in either case, curbs will be installed to control drainage and storm water runoff. Mr. Bennett reviewed an e-mail memo from the Assistant Director of Public Works regarding the Drainage Report. He noted that, prior to the issuance of a Zoning and Building Permit for the new house they will need to conduct ground testing to verify that the galleries will perform as designed. He said that the new conceptual house and site development has been designed with the drainage being directed into 112 linear feet of galleries. Each gallery would be 2.5 feet in height and 4.5 feet wide. He has designed this house to be the maximum 20% building coverage knowing that that is the most that any potential buyer could install. He said that no specific house design has been

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prepared because the lot will be sold and someone who buys it will design and build his own house. He said the driveway to and from Driftway Lane will be revised to collect all the storm water in that vicinity and put it into 100 feet of underground galleries with an overflow to the catch basin in the street. The expected flood zone in the area is 12 feet above sea level. The lowest elevation of this site is at the base of the driveway near Driftway Lane and is at Elevation 16 feet above sea level. No part of the property is within the 100 year Flood Zone. Mr. Bennett reviewed the Sediment and Erosion Control Plan. Mr. Bennett then reviewed the Coastal Area Management Report noting that there would be no impact on any coastal resources. He said that the driveway to the new one acre parcel would be owned by the owner of the one acre parcel. It is not an easement type of situation.

There were no questions or comments from the public. The following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mr. Bigelow, seconded by Mrs. Grimes and unanimously approved.

At about 9:20 p.m., Mr. Conze read the following agenda item:

**Amendment of Special Permit #39-L(2)/Site Plan #254-A, St. Lukes Episcopal Church, 1842-1864 Boston Post Road.** Relocation of existing food assistance program to existing garage/barn, and associated improvements to said garage/barn (replacement of doors, new client entry, new HVAC units, insulation) and perform related site development activities. The subject property is located on the south side of Boston Post Road, at the southeast corner of its intersection with Ring's End Road, and is shown on Assessor's Map #49 as Lots #52, #54, #55, 56 and #56-A, R-1 and R-1/2 Zones.

Attorney Wilder Gleason represented Person-to-Person which is one of the organizations that functions at the St. Luke's facility. He said that Person-to-Person has experienced an increase in demand for its food distribution program. They have decided to significantly scale back the furniture distribution project. They wish to relocate the food distribution program from the basement of the building into what has been a storage garage. To do this, they will need to convert the storage garage into an active use/habitable area on the ground floor and storage use on the upper level. He said that the garage is screened from the neighbors' properties and from the street; and it is located more than 150 feet away from Ring's End Road. The exterior changes to the storage garage building have been reviewed and approved by the Architectural Review Board.

The first floor would have display area and shelves so that clients could walk through the area and select food that they would like. The second floor would be used only as a storage area and thus would be accessed only by employees bringing food to or getting food from the second floor. There would be an interior lift from the lower level to the second floor.

Cece Mayhew of the Person-to-Person project said that the dumpster for the food distribution program will be located on the north side of the garage.

Attorney Gleason said that they have spoken with four of the neighboring property owners and notified all of the other adjacent owners. They have heard no objections or problems or concerns from any of the neighbors.

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There were no comments from the neighbors. The following motion was made to: That the Commission close the public hearing regarding this matter. The motion was made by Mrs. Grimes, seconded by Mr. Bigelow and unanimously approved.

At about 9:30 p.m., Chairman Conze read the following agenda item:

**Amendment of Business Site Plan #256/Special Permit, Athos Real Estate, 71 Boston Post Road.** Proposal to modify previous approval to allow an addition to the existing building, on-site cooking, and the installation of a hood and venting system and perform related site development activities. The subject property is located at the northwest corner formed by the intersection of Boston Post Road and West Norwalk Road and is shown on Assessor's Map #12, as Lot #40 in the SB-E Zone.

Attorney Amy Zabetakis represented the applicant and explained that the original approval granted by the Planning & Zoning Commission had involved a coffee shop type of business that would not have much food preparation and would only be cooking coffees and tea. That tenant is no longer involved and the owner must now find a new tenant. The proposed tenant is now Chipotle Mexican Grille. This tenant would eliminate the previously approved drive-thru to be located on the north side of the building. An exterior accessible cooler would be provided and a larger kitchen would be provided to accommodate the increased food preparation. The elimination of the drive-thru window is beneficial because it would have been located close to the adjoining residential neighborhood.

Attorney Zabetakis explained that some employee parking would be added and there is a Shared Parking Agreement with the adjacent commercial property to the west at 93 Boston Post Road. She said that the new tenant was reviewed by the Zoning Board of Appeals (ZBA) and they have granted the necessary modification of their variance in order to allow the Chipotle Mexican Grille to be located at the site. The hours of operation would be slightly different from what had previously been approved. Chipotle would be open from 11:00 a.m. until 10:00 p.m., but the employees would be at the site from 8:00 a.m. until 11:00 p.m. because they would need to do food preparation before the restaurant is open and need to do clean-up after the patrons have departed at 10:00 p.m. Attorney Zabetakis said that the neighboring property owner to the north has been concerned about the maintenance of the 25 foot wide buffer area between the property line and the development activities. In addition to the regular Town Zoning Regulations, they have entered into a private agreement with the neighbor regarding the maintenance of that buffer area.

Director of Planning, Jeremy Ginsberg, said that the neighbor has expressed several concerns. These include utilizing state-of-the-art filters to prevent an odor problem from permeating the neighborhood and restricting any future drive-thru type of use on the property.

Attorney Zabetakis said that the applicant has previously agreed to install an 8 foot height fence along the northern property line. She said that the Chipotle Mexican Grille would maintain the same seating arrangement as previously approved. This would involve 33 inside seats for customers and 16 outside seats for customers. Mr. Spain then asked about the expected traffic and parking demand for the new use. He wanted to know what percentage of the patrons would eat in versus take food out. Mr. Bigelow noted that the IHOP Restaurant at the site previously experienced many parking problems during peak demand times.

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Ms. Zabetakis explained that there is counter service for this type of restaurant and it is a very limited menu. It is likely that there will be a high percentage of take-out food, which means that people will not be parking at the site for very long. Those customers who do park at the site will have adequate on-site parking and since the owner of this property also owns the adjacent commercial property to the west, there is an area for overflow parking. There is an easement in place for trash pick-up and delivery trucks to access through the gas station property to the west. Ms. Zabetakis noted that the applicant will be seeking a wine and beer license, but will not have a bar or full liquor license.

Mrs. Jing He, the residential neighbor to the north on West Norwalk Road, said that there needs to be a clarification about the cooking facilities and the exhaust facilities and making sure that there is no outdoor grill. Attorney Zabetakis explained that the exhaust from the kitchen will be directed away from the residential area. Mrs. He said that it is important that the parking be limited to the designated parking spaces on-site. Mrs. He does not want to have a re-occurrence of past problems which involved patrons parking on the lawn or on West Norwalk Road. Mrs. He believed that it would be best to have the parking spaces closest to West Norwalk Road being limited to the residents of the apartment on the second floor. Mrs. He also requested a 9 or 10 foot high fence rather than a standard 8 foot high fence in order to minimize the view from her second floor windows of her house into the site. Mr. Ginsberg read aloud his response to Mrs. He's e-mail in which he noted that an 8 foot high fence is the maximum allowed by the Regulations.

Mr. Conze said that if there are complaints or problems regarding improper parking, then the operator of the restaurant will need to correct these problems. This might mean taking measures such as reducing the number of seats so that there will be fewer patrons on the site and therefore less parking demand.

There being no further comments, the following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mr. Spain, seconded by Mrs. Grimes and unanimously approved.

Mr. Conze read the following agenda item:

**Special Permit Application #170-B/Site Plan, Tasti D-Lite, Noroton Heights Shopping Center, 380 Heights Road.** Proposing to establish an ice cream shop within the northernmost space within the existing building and place two associated outdoor tables and eight outdoor chairs. The subject property is located on the north side of Heights Road approximately 185 feet east of its intersection with Hollow Tree Ridge Road, and is shown on Assessor's Map #75 as Lots #22, #23, #24, DC Zone.

It was noted that this matter will have to be re-scheduled because there was a problem with the notices to the neighbors.

Chairman Conze then read the following agenda item:

**Land Filling & Regrading Application #228, Leo Van Munching, 41 Hancock Lane.** Proposing to replace the existing single-family residence with a new single-family residence and its associated regrading and stormwater management, and perform related site development activities.

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The subject property is located on the north side of Hancock Lane approximately 1,000 feet east of its intersection with Hollow Tree Ridge Road, and is shown on Assessor's Map #2 as Lot #76, in the R-2 Zone.

Dan Conlon, Architect, represented the applicant. He said that a new house is being built on the subject property and the desired site plan will involve some minor regrading to accommodate a semi-circular driveway in the front and some regrading in the side yard. They have already obtained a Zoning & Building Permit to construct the house without this extra regrading, but are seeking Special Permit approval from the Planning & Zoning Commission to implement the plan that involves regrading. Mr. Conlon reviewed the site plan prepared by Land-Tech Consultants. The portion shown on the plan that had been colored in with green is to be filled a maximum of two feet higher than the existing grade. Much of the proposed regrading is less than 6 inches in height, but is more than 25 feet away from the building, thus triggering the need for a Special Permit. He said that the main access driveway and septic system and storm water retention system will be the same whether the Planning & Zoning Commission approves the regrading plan or not. He noted that some fill must be placed over the approved septic system in order to comply with Health Code requirements. That filling is within the jurisdiction of the Health Department, not the Planning & Zoning Commission. Mr. Conlon said that there is no need to import fill because they will get the fill material from the foundation excavation work. They have submitted an Engineering Report indicating that the storm water runoff will be properly managed so as not to impact any of the neighboring property owners.

Ed Handler, owner of the property to the west, said that he was concerned about flooding of Stony Brook that passes through his property. He said that there is some wetland soil on the southwest portion of the Van Munching property. He said that the Handler property has flooded twice since the old house on the Van Munching property was removed. Mr. Conze said that the installation of the drainage system should accommodate the runoff water being created by the new development and should therefore improve the situation. Mr. Handler expressed concern about where the water would go when the storm water drainage facilities are full. He suggested that a berm be constructed to direct that additional runoff water to the street rather than toward the stream. Mr. Conlon said that the Engineering Study verifies that for all design storms from a one year storm to a 100 year storm there will be no increase in the peak rate of runoff being discharged from the site. When the galleries are filled, the water would be directed toward the wetland and the brook rather than toward the street. Mr. Handler said that it would be better to direct that overflow water toward the street.

Mr. Van Munching believed that the neighbor apparently has a problem with any proposed work taking place on the property. He claimed that the neighbor fails to understand that his flooding problem comes from Stony Brook not from the Van Munching property. Mr. Handler responded that he will be delighted to see a redevelopment of the subject property, but wants to make sure that the extra water is not directed toward him.

There were no further comments on the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter. The motion was made by Mr. Bigelow, seconded by Mr. Spain and unanimously approved.

Mr. Conze read the following agenda item:



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**Coastal Site Plan Review #213-B, Flood Damage Prevention Application #248-A, Mr. & Mrs. Paul P. Huffard, IV, 20 Juniper Road.** Proposing to construct a pier, ramp, and float, and perform related site development activities within regulated areas. The subject property is on the north side of Juniper Road, approximately 1200 feet east of its intersection with Nearwater Lane, and is shown on Assessor's Map #57 as Lot #12-1 in the R-1 Zone.

Attorney Bruce Hill represented the applicant. The proposed work involves the construction of a pier and ramp and float extending from the property into the water area regulated by the Connecticut Department of Environmental Protection. A permit from the DEP dated in June of 2009 has been obtained. Devon Santa, Professional Engineer from Roberge Associates, explained that a 4 foot wide, 80 foot long timber pier will be constructed and extend from the land out into the water. From that fixed pier, a moveable gangway will extend down to a 100 square foot floating dock. He said that the location of this facility was approved by the DEP because of the natural break in the wetland vegetation and because this appears to have been the location of a previously located dock. He said that there is no federally recognized navigable channel, but there is a small break in the wetland vegetation in that area. Mr. Hill confirmed the remnants of a previous dock in that part of the property.

There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mr. Bigelow, seconded by Mrs. Grimes and unanimously approved.

### **GENERAL MEETING**

The General Meeting was started at 10:10 p.m.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Conze, Bigelow, Spain, Grimes

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat

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Chairman Conze read the first general meeting agenda item:

#### **Discussion, deliberation, and possible decisions regarding any public hearings closed on July 28, 2009.**

The Commission determined that it would not yet be appropriate to formally act on any of the applications that had been discussed at the public hearing earlier in the evening. Formal decisions regarding these matters will be handled in September.

- St. Luke's Church - Boston Post Road  
Commission members agreed that the staff should draft a Resolution to approve this project with the standard conditions and stipulations.
- Steuert - Driftway Lane/Old Farm Road

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Commission members said that the staff should draft a Resolution to approve the application subject to standard conditions and stipulations.

- Athos Realty - 71 Boston Post Road

Concern was expressed about how busy the new restaurant could be, and the need to include wording in a draft resolution regarding potential parking problems and the need to correct those problems and/or scale back the nature of the activity. The venting system must be properly designed and installed and must be coordinated with the Health Department so that it will not affect the neighbors. Staff was instructed to work on a draft Resolution to approve the project with a number of conditions and stipulations.

- Van Munching – 41 Hancock Lane

Mr. Conze noted that the applicant had submitted a drainage report from a professional engineer. Mr. Spain believed that the installation of a proper drainage system could improve the existing conditions. Staff was directed to draft a Resolution with standard conditions and stipulations.

- Huffard – 20 Juniper Road

Staff was directed to draft a Resolution with standard conditions and stipulations.

The Commission determined that it would not yet be appropriate to formally act on any of the above applications. Formal decisions regarding these matters will be handled in September. Chairman Conze then read the next general meeting agenda item:

**Amendment of Business Site Plan #260/Special Permit, Frate Seafood, 1941 Boston Post Road.**  
Request to place storage unit directly behind the building in lieu of the two existing storage vans.

Mr. Ginsberg explained that the Zoning Board of Appeals has approved a variance application to allow the 8' x 20' storage trailer located behind the building. This storage unit would be close to Garden City Road, but due to the change in grade, would not be visible from the street. He asked the Commission if they would like to consider this matter as a minor amendment to the previous approval granted by the Commission or whether they would want to hold another public hearing. The Commission members said that there has been much improvement to the site and that they would consider this a minor amendment to the previous approval. The request to include an 8'x20' storage unit in lieu of storage trailers or vehicles was approved based on a motion by Mr. Spain, seconded by Mr. Bigelow and unanimously approved.

Mr. Conze read the follow agenda item:

**Business Site Plan #96-I, Nissan Darien, 1335 Boston Post Road, SB Zone.**

Request to construct a new 7' x 24'8" +/- addition to the front center of the existing building.

Mr. Ginsberg explained that the Architectural Review Board has approved the design for a new front fascia for the building. This will involve enclosing a small (7' x 24'8") portion on the front of the building that is already covered by roof. Commission members agreed that this was an appropriate and minor modification. The following motion was made: That the Commission

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approve the new front façade design and enclosure of the front area as shown on the submitted plans. The motion was made by Mrs. Grimes, seconded by Mr. Bigelow and unanimously approved.

Mr. Conze read the following agenda item:

**Flood Damage Prevention Application #266, Land Filling & Regrading Application #214, Gatto, 24 Mayflower Road.**

Request for an additional one year to construct the new residence.

The following motion was made: That the Commission grant the requested extension of time. The motion was made by Mr. Spain, seconded by Mrs. Grimes and unanimously approved.

Mr. Conze read the following agenda item:

**Approval of Minutes**

*July 7, 2009 General Meeting*

The following motion was made: That the Commission approve the minutes of July 7<sup>th</sup> as presented. The motion was made by Mr. Bigelow, seconded by Mr. Spain and unanimously approved.

**Any Other Business (Requires two-thirds vote of Commission)**

The following motion was made: that the Commission consider the possible fence at Woodway Country Club under “Any Other Business”. The motion was made by Mr. Spain, seconded by Mr. Bigelow and unanimously approved.

Mr. Ginsberg explained that the Woodway Country Club would like to install a fence along Woodway Road and a portion of Hoyt Street in order to keep trespassers out and keep golf balls in the golf course. Commission members noted that this is an area of high visibility and that there is a small landscaped area between the paved edge of the street and the proposed fence. They expressed concern about potential graffiti being visible from the outside of the fence. The dark brown color and the planting along the street side of the fence was discussed. The Commission members expressed concern about the openness of the golf course being a benefit to and enhancement of the entire community, but having that fenced off from public view would eliminate that benefit and potentially create other problems. They asked the staff to continue to work with the applicant regarding the details of the fence and planting to see if this matter could be dealt with during August via e-mail or possibly discussed again in September.

There being no further business, the meeting was adjourned at 10:33 p.m.

Respectfully submitted,

David Keating  
Assistant Planning & Zoning Director